United Nations A/65/327

General Assembly

Distr.: General
27 August 2010

Original: English

Sixty-fifth session
Item 52 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-second report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution 64/91.

* A/65/150.

10-49689 (E) 220910

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal.

The present, forty-second, report to the General Assembly reflects the information gathered during the Committee's mission to the Arab Republic of Egypt, the Hashemite Kingdom of Jordan and the Syrian Arab Republic from 8 to 19 June 2010. In these three countries, the Committee interviewed 43 Palestinian, Israeli and Syrian witnesses and representatives of non-governmental organizations. In addition, it met with government representatives, representatives of regional and intergovernmental organizations, staff of the Palestinian Red Crescent Society, United Nations officials and experts from specialized United Nations agencies. The Committee also reviewed numerous relevant documents and research materials, including a written submission by the Ministry of Foreign Affairs of the Syrian Arab Republic.

The present report consists of several sections. Most significantly, section V sets out information concerning the human rights situation in the occupied territories. Section VI consists of an overview of Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan; and section VII presents the conclusions of the report and the recommendations of the Special Committee to the General Assembly.

The Committee found there to be a long-standing pattern of violations of human rights by Israel, which are systematic and persistent. It found that Israel continued to fail to protect the occupied population and to meet its obligations under international human rights and humanitarian law. The Committee was concerned about the impact on women and children, who are particularly affected by the occupation and its associated regime. It concluded that a culture of impunity reigned, assisting in the repetition of the violations raised in previous years by this Committee and others.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). It is composed of three Member States: Sri Lanka (Chairperson), Malaysia and Senegal. This year the Member States were represented by: Palitha T. B. Kohona, Permanent Representative of Sri Lanka to the United Nations in New York; Hamidon Ali, Permanent Representative of Malaysia to the United Nations in New York; and Momar Gueye, Minister Counsellor of the Permanent Mission of Senegal to the United Nations in Geneva. The reports of the Committee are submitted to the General Assembly and reviewed by the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered to be those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip. The persons covered by the resolution, and therefore the subject of the investigation of the Special Committee, are the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that are under occupation but who left those areas because of the hostilities.

3. The human rights of the Palestinian people and other Arabs of the occupied territories are those referred to by the Security Council in its resolution 237 (1967) as "essential and inalienable human rights" and those rights that find their basis in the protection afforded by international law, in particular in circumstances such as military occupation and, in the case of prisoners of war, captivity. The General Assembly, by its resolution 3005 (XXVII), further requested the Special Committee to investigate allegations concerning the exploitation and looting of the resources of the occupied territories, the pillaging of its archaeological and cultural heritage and interference in freedom of worship in its holy places.

4. The "policies" and "practices" affecting human rights that are within the scope of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared and undeclared intent; "practices" refers to those actions that, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas. The Committee is not mandated to examine alleged violations of international human rights and humanitarian law carried out by Palestinian authorities or armed groups.

5. The Special Committee bases its work on the human rights standards and obligations enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political

Rights and the International Covenant on Economic, Social and Cultural Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (the Third Geneva Convention), the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and the Hague Conventions of 1899 and 1907 concerning the Laws and Customs of War on Land. The Committee also relies on those resolutions relevant to the situation of civilians in the occupied territories adopted by the General Assembly, the Security Council, the Economic and Social Council and the Human Rights Council.

6. The General Assembly, in its resolution 64/91, requested the Special Committee, "pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter". The Assembly also requested the Committee "to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".

III. Activities of the Special Committee

Field mission of the Special Committee to the Middle East

7. In preparation for its field mission to the Middle East, the Special Committee addressed a letter on 8 April 2010 to the Permanent Representative of Israel to the United Nations Office at Geneva. The letter requested full access to the occupied territories, in order to fulfil the responsibilities entrusted to it by the General Assembly, and the opportunity to hold direct consultations with the Israeli authorities concerned on the human rights situation in the occupied territories. Regrettably, as in previous years, it received no response to its communication.

8. The Special Committee, therefore, carried out a mission to Egypt from 8 to 11 June 2010, Jordan from 11 to 16 June 2010, and the Syrian Arab Republic from 16 to 19 June 2010, where it heard the testimony of 43 witnesses about the situation of human rights in the occupied territories. The Committee sought to consider all views pertinent to the situation affecting the human rights of the Palestinians and other Arabs in the occupied territories. To that end, it extended invitations to Palestinian, Israeli and Syrian witnesses and organizations, and made every effort to facilitate their appearance before the Committee. Several witnesses, notably from the Gaza Strip, were unable to appear in person; as a result, they were interviewed by telephone. The Committee was grateful for the efforts of witnesses to appear before it. During the preparation of this report, the Committee reviewed all written statements, documentation and other materials submitted to it.

9. The Special Committee also met government representatives, representatives of regional and intergovernmental organizations, staff of the Palestinian Red Crescent Society, United Nations officials and experts from specialized United Nations agencies. The Committee is particularly grateful for the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic and for the opportunity to have met with, among others, the Ministers for Foreign Affairs of Egypt (Ahmed Aboul Gheit), Jordan (Nasser Joudeh) and the Syrian Arab Republic (Walid al-Moualem), the Deputy Minister for Foreign Affairs of the Syrian Arab Republic, Faysal Mekdad, and the Secretary-General of the League of Arab States, Amre Moussa. The Committee received a copy of the report of the Independent Fact-Finding Committee on Gaza, entitled "No safe place", presented to the League of Arab States on 30 April 2009, from the Secretary-General of the League of Arab States.

10. In addition to meeting witnesses, the Special Committee visited the Palestine Hospital in Cairo, run by the Palestinian Red Crescent Society, and met patients with long-term, in some cases permanent, injuries resulting from the Israeli offensive on Gaza in December 2008 and January 2009. While in the Syrian Arab Republic, the Committee met the United Nations Resident Coordinator, Ismail Ould Cheikh Ahmed, and members of the United Nations country team. It also visited the city of Quneitra, where it met the Governor of Quneitra Province. At the end of the visit, the Committee held a press conference in Damascus.

11. The Special Committee expresses its gratitude to the offices of the United Nations Resident Coordinators in Egypt, Jordan and the Syrian Arab Republic for their valuable assistance in preparation for and during its visits to those countries.

12. The present report is presented in accordance with General Assembly resolution 64/91.

IV. Recent developments

13. In September 2009, the United Nations Fact-Finding Mission on the Gaza Conflict, which took place during December 2008 and January 2009, concluded that both Israeli forces and armed groups from Gaza had committed serious war crimes and breaches of humanitarian law, which might amount to crimes against humanity. Its report called on both sides to launch independent investigations, in conformity with international standards, and report back on these to the Security Council. If, within six months, investigations in conformity with international standards had not taken place, the report called for the Security Council to refer the situation in Gaza to the Prosecutor of the International Criminal Court. The General Assembly endorsed the report, reiterated the demand for investigations into alleged violations and asked the United Nations Secretary-General to report back with an assessment of the investigations.[1] In April 2010, the Human Rights Council, in its resolution 13/9, established a committee of independent experts — appointed in June 2010 — to assess the status of investigations and their conformity with international standards.

14. In January 2010, Israel paid the United Nations $10.5 million in respect of losses sustained in seven incidents that had been investigated by the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between

[1] General Assembly resolutions 64/10 and 64/254.

27 December 2008 and 19 January 2009 and for which the Board had found Israel responsible. The payment followed the adoption of General Assembly resolution 64/89 in December 2009 in relation to the extensive damage to and destruction of United Nations facilities in Gaza during this period, including to schools where civilians were sheltered and to the facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

15. In June 2010, the Human Rights Council adopted resolution 14/1, establishing an international fact-finding mission to investigate violations of international law resulting from an Israeli attack on a flotilla carrying aid to Gaza (see para. 45 of the present report). In July 2010, a three-member committee of experts was appointed and tasked with reporting to the fifteenth session of the Council.

V. Situation of human rights in the Occupied Palestinian Territory

16. The Special Committee heard the testimonies of 33 witnesses explaining different aspects of the human rights situation in the Occupied Palestinian Territory. Testimonies and desk research showed a pattern of violations of human rights that remained systematic and persistent. Israel continued to fail to protect the occupied population and to meet its obligations under international human rights and humanitarian law. Policies and practices relating to the occupation were the main source of violations. A culture of impunity reigned, assisting in the repetition of the violations raised in previous years by this Committee and others.

17. Women continued to be particularly affected by the occupation and its associated regime. The Special Committee was presented with numerous cases illustrating the challenges faced by Palestinian women in relation to freedom of movement, residency rights, and violence against women by Israeli soldiers and settlers. Fear of deportation and subsequent family separation, harassment and violence dominated the lives of many women and their families.

18. The closure regime continued to infringe on a broad range of rights, including the rights to health, education, an adequate standard of living, work and family life. Witnesses stressed that a high proportion of the occupied population lived in poverty, many dependent on humanitarian assistance. Scores of Palestinian civilians were killed and injured by Israeli soldiers and settlers. Over 6,200 Palestinians were held in Israeli prisons and other detention facilities; torture and ill-treatment were reportedly widely used.

19. During the reporting period, the Israeli authorities intensified efforts to curtail human rights defence and civil activism. Dozens of Palestinian human rights and civil activists were arrested, detained, subjected to excessive force during demonstrations or prevented from travelling abroad. Human rights organizations in Israel faced considerable threats to their daily work. Notably, in April 2010, Knesset members introduced a draft bill that seeks to stop any non-governmental organization operating if "there are reasonable grounds to conclude that the association is providing information to foreign entities or is involved in legal

proceedings abroad against senior Israeli government officials or IDF officers, for war crimes".[2]

A. Right to self-determination

20. In March 2010, the Human Rights Council reaffirmed "the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State".[3] The Special Committee believes that the failure to realize this right compromises the possibility for the full respect for and protection and fulfilment of the rights of the Palestinian people.

21. The Committee was concerned that the ongoing confiscation of land, resulting from settlement expansion and the construction of the wall, undermined the right to self-determination. Witnesses described the impact of the ongoing Israeli policies, which fragment the Palestinians socially, territorially and economically and threaten territorial contiguity, as well as efforts by Israel to alter the demographics of the strategic areas of the Occupied Palestinian Territory, including East Jerusalem. Furthermore, the alternative "fabric of life" road network for Palestinians disrupted traditional routes and led to further loss of land and territorial fragmentation.

22. The Committee learned of Israel's ongoing efforts to remove traces of Palestinian heritage, such as changing the names of streets and holy places from Arabic to Hebrew names, transforming a Muslim graveyard in West Jerusalem into an interfaith dialogue centre, and placing the Haram Al-Ibrahimi (Tomb of the Patriarchs) in Hebron and Bilal Bin Rabah Mosque (Rachel's Tomb) in Bethlehem on the Israeli national heritage list.

Settlements

23. In November 2009, Israel issued a military order imposing a 10-month moratorium on settlement construction. The freeze excluded East Jerusalem, construction that had been authorized or that had already begun, and certain public buildings. Nevertheless, in February 2010, new building construction was documented by the Israel Ministry of Defense and by an Israeli non-governmental organization in over 30 settlements. A 33 per cent increase in construction starts and a 300 per cent rise in Government-initiated construction projects in settlements between October and December 2009, prior to and in the initial stages of the moratorium, were also reported.[4]

The wall

24. The date of 9 July 2010 marked the sixth anniversary of the International Court of Justice advisory opinion on the *Legal Consequences of the Construction of*

[2] World Organization against Torture, "Human rights groups in Israel respond to proposed bill to suppress information about serious breaches of international law: a danger to democracy", 29 April 2010. Available from www.omct.org.

[3] Human Rights Council resolution 13/6, para. 1.

[4] Figures are compiled by Peace Now and include data of the Israeli Central Bureau of Statistics.

a Wall in the Occupied Palestinian Territory.[5] The court ruled that sections of the wall that ran inside the West Bank, including East Jerusalem, together with its associated regime, contravened Israel's obligations under international law. The opinion called on Israel to: cease construction of the wall "including in and around East Jerusalem"; dismantle the sections already completed; and "repeal or render ineffective forthwith all legislative and regulatory acts relating thereto". This decision continued to be disregarded by Israel and High Contracting Parties to the Geneva Conventions, who failed to ensure respect for the Convention by taking steps to ensure that Israel stops all construction and dismantles the wall.

25. During the reporting period, construction of the wall focused on certain areas around Jerusalem and Bethlehem and some re-routings to implement Israeli High Court of Justice rulings. As at July 2010, approximately 60 per cent of the 707-kilometre wall was complete and 85 per cent of its entire route ran inside the West Bank. A further 8.4 per cent was under construction, while 30.1 per cent was planned but not constructed. The total area located between the wall and the Green Line constituted over 9 per cent of the West Bank.[6] This area includes the "seam zone", in which Palestinians must request permits from the Israeli authorities in order to access their farming land and water resources, and where access to health care and education is limited.

26. Weekly Friday demonstrations protesting against the wall continued in several locations. The Israeli army continued to respond to the demonstrations, often with excessive force, leading to injuries and, in some cases, death. Over the past year, the Israeli authorities intensified their efforts against these protests and increasingly targeted organizers and prominent activists, who were arrested during night raids, detained, often ill-treated and, in some cases, sentenced to prison terms. On release, some were asked to pay high bail, prohibited to participate in demonstrations of any kind and prevented from travelling abroad. In an apparent attempt to reduce non-resident participation in weekly demonstrations, in February 2010, the army declared the area between the wall and the built-up area of the villages of Bil'in and Ni'lin closed military areas on Fridays for a period of six months, leaving non-residents who enter the area without permission liable to arrest.[7]

B. Right to freedom of movement and freedom to choose one's residence

Checkpoints, roadblocks, permits and other obstacles to movement in the West Bank

27. According to the Office for the Coordination of Humanitarian Affairs, the total number of closure obstacles fell from 626 in March 2009 to 505 in March 2010. However, the number of "flying" checkpoints increased by more than 50 per cent between December 2009 and March 2010. Despite eased restrictions on movement

[5] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[6] Office for the Coordination of Humanitarian Affairs and World Health Organization, "The impact of the barrier on health", July 2010; and Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update, June 2010". All reports available from the Office's website: http://ochaonline.un.org.

[7] Ibid.

in some areas — notably between most urban areas, especially in the north of the West Bank — access of Palestinians to areas behind the wall (including East Jerusalem), Hebron City, the Jordan Valley and agricultural land near settlements did not improve.[8] The reduction in the number of checkpoints should be seen in the context of the entrenchment of certain movement control mechanisms, notably some strategic checkpoints and the expansion of the alternative "fabric of life" road network for Palestinians.[9]

28. The Israeli army opened up for Palestinian use three roads, or segments of roads, which had been reserved for the exclusive use of Israeli settlers and citizens. One of these was Road 443, which Palestinians can now access through three newly established checkpoints.[10] Witnesses explained that the limited opening of Road 443 would likely have little effect as access to Ramallah and East Jerusalem would not be allowed.

29. The closure regime affected almost every aspect of daily life. For example, the right to family life was violated as thousands of Palestinian families were forced to live apart, waiting for applications for family reunification to be processed and approved. They included Palestinians with a spouse or family member holding a foreign passport, or those from the West Bank wanting to join family in East Jerusalem, or those from Gaza wishing to join family in the West Bank. Women were particularly affected, often left to raise their children without a father present and confined to their homes, resulting in isolation, increased vulnerability and feelings of "imprisonment". Another example relates to impeded access to East Jerusalem, which restricted access to medical care and religious sites for Muslim and Christian Palestinians.

Israel's continued policy of isolation of Gaza

30. The closure of the Gaza Strip remained extreme, despite Israel's announcement in June 2010 that it would ease the blockade of Gaza by allowing unrestricted entry for all items except a published list of military and "dual use" items. Restricted categories included much needed goods, such as construction materials.[11]

31. At the time of writing, weekly truckloads of goods entering Gaza had increased, but continued to fall well below the needs of the population. In addition, most goods entering continued to be food and hygiene items and other consumer goods, and therefore not useful for productive purposes. The United Nations reported that only limited amounts of construction materials designed for three projects carried out by international organizations had been allowed into Gaza by

[8] Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update, June 2010". Figures exclude obstacles in the Israeli-controlled area of Hebron City (H2) and crossing points along the wall.

[9] International Labour Organization, *The situation of workers of the occupied Arab territories* (Geneva, 2010).

[10] Office for the Coordination of Humanitarian Affairs, "West Bank movement and access update, June 2010". The other two roads opened were: 6- and 3-kilometre stretches of Roads 585 and 3265, respectively.

[11] Statement made by the Office of the Prime Minister of Israel following the Security Cabinet meeting on 20 June 2010.

July 2010.[12] Each truckload destined for one of these projects underwent extensive coordination procedures, which drove up costs and slowed down progress.[13]

32. The announced easing did not include measures to address the almost total ban on exports and the movement of people. Israel consistently prevented Palestinian civilians in Gaza from leaving the territory to visit family, to study and to receive medical treatment in other parts of the Occupied Palestinian Territory and further afield. Gazans received occasional respite from the opening of the Rafah crossing, controlled by Egypt, for short periods.[14] Nevertheless, exit through Rafah does not guarantee access to other parts of the Occupied Palestinian Territory, which is at the discretion of the Israeli authorities.

Home demolitions and forced evictions

33. Israel's policy of forced evictions and home demolitions in the West Bank, notably in East Jerusalem and Area C, stems primarily from its policies of planning, development and building that severely restrict Palestinian construction. Thousands of Palestinians were denied permits to build on their land, thereby compelling them to build without a permit. Palestinian construction was effectively prohibited in about 70 per cent of Area C, or approximately 44 per cent of the West Bank, in areas largely designated for the use of Israeli settlements or the Israeli army. Similarly in East Jerusalem, Israel's failure to provide Palestinian neighbourhoods with adequate planning and its rejection of the majority of permits for construction resulted in an estimated annual shortfall of 1,100 housing units for Palestinians.[15]

34. Despite a suspension of demolitions in Area C since July 2009, the Israeli authorities continued to serve stop-work and demolition orders to the residents. Between January and July 2010, Israel demolished 242 Palestinian-owned structures in Area C, displacing 282 people, including dozens of children. According to the Israeli State Attorney's Office in December 2009, approximately 2,450 Palestinian-owned structures in Area C had been demolished due to lack of permit over the course of the previous 12 years.[16]

35. In East Jerusalem, 24 Palestinian-owned structures were demolished, displacing 32 people, including 17 children in the first half of 2010. In July 2010, the Jerusalem Municipality demolished seven Palestinian-owned structures, forcibly displacing 25 Palestinians, including 12 children, and affecting another 26 people, including 8 children. Although, these were the first demolitions of inhabited houses since November 2009, demolitions of uninhabited and non-residential structures, and the distribution of demolition orders, had continued during this period.[17]

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[12] With the exception of glass, wood and aluminium, which were allowed entry in recent months.

[13] Office for the Coordination of Humanitarian Affairs, "Protection of civilians", 16-22 June and 30 June-6 July 2010.

[14] However, in June 2010, Egypt opened the Rafah crossing in both directions until further notice, for the first time and for an unspecified duration since it was officially closed in June 2007.

[15] Office for the Coordination of Humanitarian Affairs, "The planning crisis in East Jerusalem", April 2009.

[16] Office for the Coordination of Humanitarian Affairs, "Protection of civilians", 28 July-10 August 2010; "Restricting space: the planning regime applied by Israel in Area C of the West Bank", December 2009.

[17] Office for the Coordination of Humanitarian Affairs, "Protection of civilians", 7-13 July 2010.

36. The Office for the Coordination of Humanitarian Affairs recorded a marked increase in demolitions in July 2010, when over 140 Palestinian structures were demolished in Area C and East Jerusalem. They also noted a rise in the number of stop-work and demolition orders.[18]

Revocation of residency rights

37. Israeli authorities continued to withdraw permanent residency status given to Palestinians living in East Jerusalem if they could not prove that they had met certain conditions, notably not leaving their city for more than seven years and not acquiring citizenship in any other country. The routing of the wall and the steep rise in rental prices were two important factors that placed many Jerusalemites at risk of losing their permanent residency status as they found themselves living to the east of the wall.

38. According to the Israeli Ministry of the Interior, 4,577 East Jerusalem residents, including 99 children, had their residency revoked in 2008 alone.[19] This marks a dramatic increase; according to data collected by one organization, the number of cases of residency revocation in 2008 alone is equal to approximately one half of the total number of cases between 1967 and 2007.

39. Israel also used political justifications for revoking residency. In June 2010, three elected members of the Palestinian Legislative Council (the Palestinian Parliament) and a former Palestinian Authority Minister for Jerusalem Affairs, all permanent residents of Jerusalem, were ordered to leave occupied East Jerusalem as their residency had been revoked, in line with a 2006 decision by the Israeli authorities.[20] A petition was filed at the Israeli Supreme Court in June 2010 contesting the revocation order, but the case remains pending.[21] The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 warned that "[f]orcibly transferring these individuals would constitute serious violations of Israel's legal obligations ...".[22] In July 2010, one of the men was detained; a court subsequently ordered him to be released and to leave East Jerusalem; while the three other men sought refuge in the International Committee of the Red Cross East Jerusalem office.

Forced displacement

40. The combination of settlement expansion and settler violence, home demolitions and forced evictions, the wall, and the revocation of residency rights caused significant forced displacement in the Occupied Palestinian Territory.

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[18] Office for the Coordination of Humanitarian Affairs, "Sharp increase in demolitions and displacement in the West Bank", July 2010.

[19] Office for the Coordination of Humanitarian Affairs, "Protection of civilians", 2-8 June 2010.

[20] The then Israeli Interior Minister told the men that they should either give up their membership of Parliament or have their residency revoked.

[21] Adalah, "Motion for injunction filed to Israeli Supreme Court to stop imminent deportation process of Palestinian Legislative Council members from Jerusalem", June 2010: available from www.adalah.org; Al-Haq, "Al-Haq legal analysis: forcible transfer of Jerusalem parliamentarians demonstrates an escalation of Israeli measures to transfer Palestinians from occupied East Jerusalem", June 2010. Available from www.alhaq.org.

[22] Office of the High Commissioner for Human Rights, "Israel must avoid further violations of international law in East Jerusalem — UN human rights expert", 29 June 2010. Available from www.ohchr.org.

41. The Special Committee was extremely concerned to receive information regarding Israeli Military Orders Nos. 1649 and 1650 of April 2010. They place large numbers of Palestinians residing in the West Bank at risk of deportation to the Gaza Strip or abroad at any moment. The orders allow the military to define any person in the West Bank, including a resident of East Jerusalem, as an "infiltrator", making them liable to transfer, deportation, criminal charges, fines and/or imprisonment. The orders are applicable to anyone who has entered the area "unlawfully" or who does not carry an Israeli-issued permit. Witnesses indicated that their vague wording means they can be applied arbitrarily to anyone from the West Bank. The orders reinforce previous policies aimed at separating the West Bank from the Gaza Strip and formalize an existing removal policy.

42. One category of persons at particular risk of transfer to the Gaza Strip is Palestinians in the West Bank, including residents of East Jerusalem, whose registered address is in Gaza. Some of these people have lived in the West Bank for years or even all their lives, but have been unable to change their registered address since 2000, when Israel effectively froze changes to the Palestinian population registry. Witnesses explained that many people have severely limited their daily movements, including by avoiding crossing checkpoints within the West Bank, for fear of being detained and deported. Since the orders came into effect, several cases of deportation have reportedly been recorded.

C. Right to life

43. The Special Committee was extremely concerned about the loss of life in conflict-related violence and noted that the inherent right to life is the most fundamental of all rights and is protected by a number of international legal instruments to which Israel is a party. Between January and May 2010, the Office for the Coordination of Humanitarian Affairs recorded the killings of 6 Palestinians and 1 Israeli soldier and the injury of 675 Palestinians and 84 Israeli soldiers in the West Bank, including in East Jerusalem. In the Gaza Strip, 31 Palestinians (including 9 civilians), 3 Israeli soldiers and 1 foreign national were killed, while 116 Palestinians (including 100 civilians) and 5 Israeli soldiers were injured.

44. The Israeli army conducted frequent incursions into the border areas of the Gaza Strip. The army fired regularly at alleged military and civilian targets to enforce its self-declared "buffer zone", a no-go military area in Gaza along the perimeter fence with Israel. Between January and May 2010, this resulted in the killing of over 20 people while dozens more were injured. They included 21-year-old Ahmad Deeb, who was killed while participating in a peaceful protest against the "buffer zone" that was held near the area. On several occasions, the Israeli army shot live fire at demonstrators who attempted to approach the perimeter fence with Israel.[23] Regular demonstrations protesting against the "buffer zone" began in January 2010 by farmers and others living and working in and near the "buffer zone".

[23] Adalah, "Adalah and Al Mezan demand the opening of a criminal investigation into the killing of Ahmad Deeb by the Israeli military during a peaceful demonstration near the border in Gaza", 28 June 2010. Available from www.adalah.org.

45. In May 2010, the Israeli naval commando forces intercepted a flotilla of six ships, carrying about 700 hundred civilians from several countries and relief supplies destined for the Gaza Strip, in international waters. Nine people were killed and many others were injured; 10 Israeli soldiers were also injured. The ships, including their cargo, were seized and the passengers were detained and/or deported. The Security Council, the Secretary-General and the High Commissioner for Human Rights called for an investigation conforming to international standards. The Human Rights Council established an international fact-finding mission to investigate the incident in June 2010, which is scheduled to report to the Council at its fifteenth session. In June 2010, the Government of Israel appointed the Turkel Commission to investigate the incident and security issues related to the blockade, as well as to examine Israel's mechanism for investigating complaints of violations of the laws of war.

46. In the northern West Bank in March 2010, Israeli soldiers reportedly shot and killed four Palestinian civilians in two separate incidents. Two minors were killed in the aftermath of a demonstration by the residents of Iraq Burin village, protesting against the expansion of an Israeli settlement. The other two men were killed on the following day in the vicinity of nearby Awarta village. The Israeli army reportedly launched internal investigations that found that "tactical errors" had been made, and that some of the deaths could have been avoided. A criminal investigation by the Israeli Military Police into the killings of the minors was opened.

47. The Special Committee received worrying evidence that investigations conducted by the Israeli authorities into the Israeli military offensive on Gaza in December 2008 and January 2009 failed to meet the requirements of effectiveness, independence and transparency. As at July 2010, Israel confirmed that 47 cases had been referred for criminal investigation, of which criminal indictments had been issued for four soldiers, which had so far resulted in one conviction relating to the theft of a credit card. Two soldiers were indicted for compelling a minor "to assist them in a manner that put the minor at risk" and another faces criminal charges for killing a Palestinian civilian who was among a group of civilians waving white flags. The authorities also mentioned other cases, including the attack on UNRWA headquarters, in which disciplinary measures had been taken against soldiers, but no criminal proceedings had been launched.[24] In July 2010, the Human Rights Committee called on Israel to "launch, in addition to investigations already conducted, credible, independent investigations into the serious violations of international human rights law" and stated that "[a]ll decision makers, be they military and civilian officials, should be investigated and where relevant prosecuted and sanctioned".[25]

D. Right to liberty and security of person

Prisoners and detainees

48. According to figures of the Israeli authorities, received by an Israeli human rights organization, as at June 2010, over 6,200 Palestinians were held in Israeli

[24] State of Israel, "Gaza operation investigations: second update", 19 July 2010. Available from www.mta.gov.il.

[25] CCPR/C/ISR/CO/3, para. 9.

prisons or other detention facilities.[26] According to witness testimonies, these included over 30 women, over 300 children, over 100 who had served for more than 20 years, over 150 with chronic illnesses and nearly 20 with a disability. They also included less than 10 Palestinians (primarily from Gaza) detained without charge or trial as "unlawful combatants" for allegedly having taken part in hostilities against Israel, directly or indirectly, or for membership of a force carrying out hostilities against Israel; their detention violates the right to a fair trial and to a presumption of innocence and allows for indefinite, sometimes prolonged, detention.

49. In March 2010, the Israeli High Court of Justice ruled that Israel's policy of holding Palestinian detainees and prisoners from the Occupied Palestinian Territory in Israel was legal, despite the prohibition under the Fourth Geneva Convention of transfer of prisoners from the occupied territory and their detention in the occupying State.[27]

50. In December 2009, the Israeli High Court of Justice upheld a ban — imposed in June 2007 following the capture of Israeli soldier Gilad Shalit — on family members from Gaza from visiting their relatives held in Israeli prisons, arguing, among other things, that family visits are not a basic humanitarian need and that Palestinians from Gaza have no right to enter Israel. This decision reportedly affected over 700 prisoners from Gaza.

51. During the period under review, the new military court established for juveniles under the age of 16 began to hear cases. Until the establishment of this new court, pursuant to Military Order No. 1644 of July 2009, children had been tried in military courts with adults. Lawyers and organizations defending children and prisoners' rights concurred that the new court was not equipped for children and that the same judges sit in both military courts.

52. The Special Committee heard that Israel is holding an unknown number of bodies in military cemeteries and refrigerators. The bodies are those of Palestinian prisoners who died in Israeli prisons, Palestinians involved in military activities and others. Their families had not received official confirmation that their relatives are dead, making it impossible for them to bury their loved ones and to grieve properly for them. In the first hearing of its kind, in December 2009, the Israeli High Court of Justice ordered a body to be released to his family after the army acknowledged holding the body in a military cemetery. The Israeli authorities argue that holding these bodies acts as a deterrent and as a means of preventing public demonstrations around funerals. Witnesses suggested that the bodies may also be used as bargaining chips in prisoner exchange negotiations.

Torture and cruel, inhuman or degrading treatment

53. The Special Committee was concerned by reports of widespread torture and ill-treatment during interrogation, including of children. In July 2010, the Human Rights Committee called on Israel to "incorporate into its legislation the crime of torture" and "completely remove 'necessity' as a possible justification" for torture.[28]

[26] B'Tselem, Statistics on Palestinians in the custody of the Israeli security forces. Available from www.btselem.org (accessed 14 September 2010).

[27] Adalah, "Adalah briefing note: Palestinian prisoners' rights", April 2010. Available from www.adalah.org.

[28] CCPR/C/ISR/CO/3, para. 11.

Ill-treatment and, at times, torture were also inflicted during arrests and the period of initial detention. The Committee was informed of a survey of one hundred 12- to 18-year-olds detained during 2009, carried out by a children's rights organization, which found that the majority reported being subjected to torture or ill-treatment, including threats of or actual sexual violence.

54. According to witness accounts, detention conditions often fell below the minimum standards and may even amount to cruel, inhuman and degrading treatment or torture. These included: poor quality and quantity of food; inadequate health care; and the use of torture methods (including sleep deprivation, *shabeh* and threats of or actual detention of family members).

55. Perpetrators of torture were not held to account as complaints by victims of torture were rarely referred to criminal investigation. Between 2001 and 2009, no criminal investigation was reportedly launched into over 600 complaints of torture by the Israeli security services. In September 2009, the Israeli High Court of Justice ruled against the use of family members as a tool for extracting confessions, unless they have a direct link to the case and are also a suspect.[29] However, witnesses pointed out that it is unclear how this provision would be interpreted.

Settler violence

56. Witnesses reported a rise in the number of attacks by settlers against Palestinian civilians and their property. Between January and July 2010, the Office for the Coordination of Humanitarian Affairs recorded 168 attacks by Israeli settlers resulting in either Palestinian injuries or affecting Palestinian property.

57. The Special Committee was concerned by the Israeli authorities' ongoing failure to prevent and stop attacks or to prosecute perpetrators. Witnesses described that victims were frequently reluctant to file complaints because they lacked confidence in the law enforcement system and feared reprisal attacks or harassment when settlers learned of the complaint.

58. Settlers commonly threw stones at homes or individuals, destroyed crops (especially olive trees and livestock) and in isolated instances, even set fire to and desecrated mosques. In November 2009, the Office for the Coordination of Humanitarian Affairs highlighted a deliberate strategy by Israeli settlers in the West Bank of attacking Palestinian communities when the Israeli authorities threatened to remove a settlement outpost. It identified 83 Palestinian communities with a total population of 248,700 as being highly or moderately vulnerable to settler violence.

E. Right to an adequate standard of living, including adequate food, clothing and housing

59. In 2009, economic activity accelerated but was unevenly distributed — real gross domestic product growth was estimated at 8.5 per cent in the West Bank and 1 per cent in the Gaza Strip[30] — and fragile given that it was driven primarily by donor

[29] The Public Committee Against Torture in Israel, briefing to the Human Rights Committee, June 2010.

[30] World Bank, "Towards a Palestinian State: reforms for fiscal strengthening", 13 April 2010. Available from www.worldbank.org.

assistance. Notwithstanding, unemployment rates remained elevated and prices remained high in relation to average incomes. Poverty rates remained very high and a large percentage of the population continued to depend on some form of humanitarian aid.

60. The majority of the population in Gaza continues to experience power cuts of 8 to 12 hours per day. Operation of the power plant is impeded by the shortage of materials needed to maintain and repair vital equipment, resulting from the blockade. Some 97 essential materials have been denied entry since June 2007.[31]

Right to adequate housing

61. Ongoing home demolitions and forced evictions across the Occupied Palestinian Territory had a devastating effect on family life, especially for women and children. The Committee heard that once displaced, families were forced to rely on a combination of humanitarian aid and assistance from relatives. Women reported psychological effects, resulting from the prolonged period preceding the demolition of their home and then after their displacement, finding themselves in overcrowded and unsuitable living conditions. This in turn increased the incidence of early marriage, domestic violence and early drop-out from education for girls. In the immediate aftermath of a home demolition, children were frequently separated from their parents and faced gaps in access to education, health facilities and clean water.

62. The Special Committee received data indicating that nearly two years after the Israeli military offensive on Gaza of December 2008 and January 2009, some 40,000 houses and much infrastructure still needs to be rebuilt, as a result of Israel's closure policy and its prohibition on the entry of construction materials. Some 5,000-6,000 people, whose homes it was not possible to rebuild, remained displaced and dependent on UNRWA for assistance. As noted in paragraphs 30-32, at the end of the reporting period, limited building materials were allowed entry for three projects by international organizations.

Right to food

63. The Special Committee was concerned by ongoing reports of high levels of food insecurity across the Occupied Palestinian Territory. In April 2010, the United Nations Children's Fund found that: 88.5 per cent of families in the seam zone; 79 per cent of herding families in Area C of the West Bank; 61 per cent of families in Gaza — including 65 per cent of children; and 25 per cent of the overall West Bank population were food insecure. They further noted that 73 per cent of food insecure families said that their main problem was difficulty accessing water.[32] The Committee recalled that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights.

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[31] Office for the Coordination of Humanitarian Affairs, "Protection of civilians", 2-8 June 2010.

[32] United Nations Children's Fund, "UNICEF oPt monthly update", 30 April 2010: available from www.unicef.org; Food and Agriculture Organization of the United Nations, "Farming without land, fishing without water", May 2010. Available from www.ochaopt.org.

Right to water

64. The right to water is one of the most fundamental conditions for survival and yet is severely undermined across the Occupied Palestinian Territory. Israeli water policies and practices continued to discriminate against the occupied population. Access to water continued to be unequal, with Palestinian consumption at about 70 litres a day per person — below the 100 litres per capita daily recommended by the World Health Organization — while Israeli consumption was about 300 litres a day per person. In some rural areas, Palestinians survived on as little as 20 litres per day.[33]

65. Water quality in the West Bank was very poor, leaving much of it unusable for drinking and even irrigation. Witnesses explained that a major cause is the raw sewage and hazardous industrial waste discharged by Israeli settlements and military camps into the fields and streams of the West Bank.

66. The water and sanitation situation in Gaza was dire, with over 90 per cent of the water of Gaza's portion of the coastal aquifer contaminated and unfit for human consumption. Approximately 80 million cubic litres of untreated sewage was released daily into the sea, primarily as a result of the blockade which prevented entry for materials necessary to repair, upgrade and maintain sewage treatment plants as well as the fuel necessary to operate them. The poor water quality led to serious health concerns, with children especially vulnerable to sickness caused by waterborne disease; diarrhoea caused 12 per cent of young deaths.

67. The United Nations Environment Programme warned that "the sustainability of the Gaza Strip is now in serious doubt". The report highlighted the lack of safe drinking water and the prevalence of methemoglobinemia as critical concerns and stressed that the situation with respect to groundwater continues to deteriorate and that the aquifer is likely to collapse if action is not taken urgently.[34]

F. Rights to work and to just and favourable conditions of work

68. Employment rose in 2009, but remained very low by international standards, with unemployment in the Gaza Strip among the highest rates worldwide. In 2009, unemployment in the West Bank fell from 19.8 per cent to 18.1 per cent, although in some areas of the West Bank (for example, among communities living in the seam zone), unemployment was estimated to be over 50 per cent. In Gaza, unemployment fell from 44.8 per cent to 39.3 per cent, but was estimated at about 60 per cent for under 25-year-olds. The International Labour Organization further noted a "staggeringly low rate of participation of women in the labour force" due to several factors, including the occupation's closure regime.[9]

69. In the absence of opportunities in the formal sector, the informal sector, derived from the "tunnel economy", constitutes an important source of income for many residents of Gaza and provided goods unavailable through the official Gaza crossings. Between January and March 2010, at least 12 people were killed and 21 others injured in various tunnel-related incidents. Causes of death and injury

[33] Amnesty International, "Troubled waters — Palestinians denied fair access to water", October 2009. Available from www.amnesty.org/en/library.

[34] United Nations Environment Programme, *Environmental assessment of the Gaza Strip following the escalation of hostilities in December 2008-January 2009* (2009).

included destruction of tunnels as a result of Israeli air strikes, tunnel collapses and inhalation of toxic substances or work-related accidents.[35]

70. The Israeli authorities maintained their ban on fishing beyond three nautical miles off the coast of Gaza, causing the fishing sector to shrink as the ban severely limits the quantity and quality of fishing catches, making it unsustainable as a means of livelihood. In addition, fishers were regularly shot at by the Israeli naval forces when they approached the three nautical mile limit.

G. Right to health

71. The Special Committee was informed of the troubling state of the health system in the Gaza Strip, primarily as a result of the blockade. Israel not only prevented the entry of medicines, equipment and spare parts into Gaza, pushing the health system into a weak state, but also placed severe restrictions on patients who needed to leave for treatment unavailable in Gaza.

72. As at April 2010, 23 per cent of essential drugs (including medicines for chronic diseases such as diabetes), approximately 20 per cent of essential disposables, and many treatments (notably open heart surgery and several kinds of eye surgery) were not available in Gaza. Many health facilities lacked standard equipment, such as X-ray machines and spare parts. Electricity cuts and a lack of fuel jeopardized many aspects of the health system, affecting laboratories, blood banks and refrigerators where medicines are stored.

73. Many Palestinians were therefore obliged to seek treatment outside Gaza, either in the West Bank, including East Jerusalem, in Israel or abroad. The time spent waiting for authorization from Israel to leave Gaza often resulted in missing hospital appointments and losing funding secured from the Palestinian Authority in Ramallah, resulting in the patient needing to restart the process. In the meantime, the health of a patient sometimes deteriorated and in nine cases, permit rejections or delays culminated in the deaths of patients. These included 19-year-old Fida Talal Hijjy, who died after she missed her appointment for a bone marrow transplant in an Israeli hospital due to a delay in the Israeli authorities responding to her permit request. Her request was approved on 12 November, three days after her hospital appointment and one day after her death. Israel reportedly distinguishes between life-threatening and non-life-threatening cases, in violation of medical ethics and international standards. As a result, patients with serious health problems requiring urgent treatment frequently have their request to exit Gaza denied, even if the consequence is as serious as limb amputation or vision loss.[36]

74. Witnesses noted that over 600 patients were questioned by the Israeli authorities at the Erez crossing in 2009, and 153 between January and March 2010 alone. In some cases, patients were asked to give information to the Israeli authorities in return for authorization to leave Gaza for treatment; while in others, questioning led to detention of patients.

[35] Office for the Coordination of Humanitarian Affairs, *The Humanitarian Monitor*, March 2010.

[36] Physicians for Human Rights — Israel, Adalah and Al Mezan Center for Human Rights, "Who gets to go?", June 2010. Available from www.adalah.org.

75. Witnesses explained that the psychological effects of the devastating Israeli military offensive on Gaza in December 2008 and January 2009 persisted, especially among children, and that the effects will last for several years. Witnesses highlighted the particularly high levels of post-traumatic stress disorder recorded among the Gazan population. In addition to the psychological damage, the Committee observed first-hand the long-term, sometimes permanent, physical damage caused when it met victims of the offensive in Cairo.

76. Access to health care was also seriously compromised in the West Bank. Holders of West Bank identification documents continued to face great difficulties in accessing the six East Jerusalem non-government hospitals, which provide critical tertiary care. Patients continued to require permits to enter, which was only possible on foot through one of three very crowded checkpoints, adding stress and strain to people already vulnerable due to illness or disability. Palestinians living in the seam zone continued to face particular difficulties in accessing health care.

H. Right to education

77. The blockade of the Gaza Strip, restrictive access and building permit systems in Area C, and insufficient and discriminatory urban planning policies in East Jerusalem resulted in tens of thousands of Palestinian students suffering from a critical shortage of schools and classrooms. The denial of access to building materials in Gaza prevented many schools from being rebuilt. UNRWA needs to build 100 new schools, including 15 immediately to address problems of overcrowding and for thousands of new pupils.[37] Classroom shortages are also prevalent in East Jerusalem and other parts of the West Bank, notably in Area C. Facilities are often substandard and do not meet basic educational and health standards. In some cases, they also face the threat of demolition due to the lack of a building permit.

78. As a result of the policy of separation of the West Bank from the Gaza Strip, students from Gaza wishing to attend Palestinian universities in the West Bank — often to study subjects that are unavailable in Gaza, such as occupational therapy and dentistry — have been routinely denied from doing so. In October 2009, Berlanty Azzam, a 22-year-old student who had been living and studying in Bethlehem University since 2005, was removed to Gaza, just two months before she was scheduled to complete her BA in Business Administration. In December 2009, the Israeli High Court of Justice ruled to uphold the army's decision to remove her, despite its recognition that there were no security allegations against her. Israel also continued to prevent Gazan students from travelling overseas to study.

79. Students, especially those active on the student council, risked arrest and detention. According to data collected by one organization, nearly 500 students from Bir Zeit University have been arrested by Israel since November 2004. They included a student who was arrested in March 2010 — two months before his graduation — and charged with joining an active student society in January 2009. Students, requiring a permit to travel to their place of study, often face arbitrary interrogations by the Israeli intelligence services. For example, the Committee heard that students of medicine at al-Quds University have been threatened with not being

[37] See S/PV.6315.

granted a permit to access the university if they refuse to cooperate with the intelligence services. In a recent survey, approximately 30 per cent of students at Bir Zeit University reported being brought in for interrogation or having their houses raided.

VI. Situation of human rights in the occupied Syrian Golan

80. The Special Committee met 10 witnesses from the occupied Syrian Golan, including six persons in the Syrian Golan town of Quneitra. Regrettably, the Committee was unable to visit the occupied Golan. As noted above, the Committee received no response from the Israeli Government to its request of 8 April 2010 for full access to the occupied territories and an opportunity to hold direct consultations with the Israeli authorities concerned on the human rights situation in the occupied territories.

A. Past legacy

81. The Syrian Golan was occupied by Israel during the 1967 Arab-Israeli conflict. In 1981, Israel passed the Golan Heights Law, which extended Israeli law and administration and thus annexed the entire Israeli-controlled territory of Golan. Israel therefore considers the Golan an annexed and not an occupied territory, a claim that is not recognized by the Security Council or the Syrian Arab Republic.

82. The Security Council, in its resolution 497 (1981), decided that the Israeli decision to impose its laws, jurisdiction and administration in the Syrian Golan was null and void. The General Assembly, in its resolution 64/21, declared Israel's failure to comply with resolution 497 (1981) and called upon Israel to withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in compliance with the relevant Security Council resolutions.

B. Recent developments

83. The Secretary-General's report of December 2009 on the United Nations Disengagement Observer Force — established in 1974 to maintain the ceasefire between Israel and the Syrian Arab Republic — noted that the ceasefire had been maintained and that the area of operation had remained generally quiet. The Secretary-General encouraged Israel and the Syrian Arab Republic to resume indirect peace talks under the auspices of Turkey. In June 2010, the mandate of the United Nations Disengagement Observer Force was renewed for an additional six months.

84. In December 2009, the United Nations Special Coordinator for the Middle East Peace Process told the Security Council that a "Knesset bill requiring a certain majority of Knesset members, or a referendum, to approve the return of any territory in the Golan Heights or East Jerusalem passed its second reading on 9 December. A further reading is required, but if passed this bill could make any future territorial return more complex."[38]

[38] S/PV.6248.

C. Human rights situation in the occupied Syrian Golan

85. International human rights and humanitarian laws continue to apply. In March 2010, the Human Rights Council adopted two resolutions relating to the occupied Syrian Golan. Both resolutions called on Israel to desist from settlement building and from efforts to change the physical and demographic composition of the occupied Syrian Golan. In resolution 13/7, the Council reminded Israel of its international obligations and called on Israel to reverse the settlement policy as a first step towards their dismantlement. In resolution 13/5, the Council further called on Israel to cease "imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan" (para. 3) and to "allow the Syrian population of the occupied Syrian Golan to visit their families and relatives" in the Syrian Arab Republic (para. 4). It also emphasized that displaced persons "must be allowed to return to their homes and to recover their property" (para. 2). General Assembly resolutions 64/95 and 64/21 further recalled the applicability of the Geneva Conventions.

86. In a letter to the Secretary-General and President of the Security Council in January 2010, the Minister for Foreign Affairs of the Syrian Arab Republic expressed concern at the "solicitation by Israel, the occupying Power, of competitive bids in relation to the sale of 11 residential buildings in the village of Ain Qunyah in the occupied Syrian Golan" in late 2009. He added that the sale was conditional on giving preference to army veterans, as recommended by the Israeli Ministry of Defense, stating that this "sets a dangerous precedent that threatens to alter the demographic makeup of the occupied Syrian Golan".[39]

87. The Special Committee heard testimony regarding the planned expansion of Israeli settlements in the Golan. Currently, there are approximately 20,000 settlers living in some 40 settlements. They live among the original Syrian population, now reduced to nearly 20,000 inhabitants of just five remaining Syrian villages.

88. Government officials of the Syrian Arab Republic and witnesses raised concerns about the inequitable distribution of water resources among the occupied Syrian population and Israeli settlers. They told the Committee that the daily water needs of Syrian residents for domestic use and for irrigation were not adequately met. Reports further indicate that Israel continued to impose discriminatory water quotas on Syrian farmers and to administer an indirectly discriminatory tariff system, making Syrian citizens pay more than Israeli settlers for water.

89. The Ministry of Foreign Affairs of the Syrian Arab Republic recalled that access to essential services, notably education and health, was compromised. In its report to the Special Committee, it highlighted problems of overcrowding and dilapidation of schools and lack of adequate medical facilities.

90. In 2010, the International Labour Organization noted few local employment opportunities, particularly for university graduates and other young people seeking professional posts. It found that agriculture remained the main source of income for most families and cited information received from the Government of the Syrian Arab Republic on discrimination against Syrian workers and landowners in the occupied Syrian Golan. This included denial of jobs as a result of not having served in the Israeli army, as well as restrictions on the use of water, especially for

[39] A/64/619-S/2010/4.

irrigation, and high taxation. The Government of the Syrian Arab Republic noted that taxation on the agricultural produce of the occupied population can reach up to 50 per cent. Another impediment to agricultural production was reportedly the uprooting of trees and destruction of crops. Both the Ministry of Foreign Affairs of the Syrian Arab Republic and witnesses reported several instances of uprooting of trees and burning of land in May 2010.[9]

91. The Special Committee heard that there are approximately seven prisoners from the Golan currently detained in Israeli prisons, one of whom had spent some 25 years in detention. Detainees reportedly suffer from inadequate medical care in conditions that may not meet the United Nations Standard Minimum Rules for the Treatment of Prisoners.

92. Information received indicated an attempt by Israel to sever or restrict ties between the occupied Syrian population and their home country of the Syrian Arab Republic. For example, one witness reported that Israel had begun to ask men from the Golan to sign a paper confirming that they would have no contact with the Syrian Arab Republic. Moreover, according to information from the Ministry of Foreign Affairs of the Syrian Arab Republic, students from the occupied Syrian Golan sometimes faced problems returning to their homes after a period of study in the Syrian Arab Republic. Several witness testimonies focused on the suffering of family separation; despite short distances, families were unable to meet due to an Israeli ban on travel to and from the Syrian Golan and the occupied Syrian Golan. As one witness said, "today I can go to China, to America, but not to my village". Witnesses also complained of high taxation and the difficulties of supporting a family.

93. Landmines continued to be a threat to safety, including that of children, and to limit movement of people and use of land. In January 2010, the Committee on the Rights of the Child called on Israel to "clear all anti-personnel mines in the occupied Palestinian territory, southern Lebanon and the occupied Syrian Golan".[40] In February 2010, an 11-year-old Israeli child lost his leg after stepping on a landmine in the occupied Syrian Golan. In May 2010, the Knesset introduced a bill establishing a mine action authority to manage the clearance of all non-operational minefields in Israel, including in the occupied Syrian Golan. At the time of writing, the bill had not yet been adopted as law.[41]

94. The Special Committee reiterated its concern about the lack of access to the occupied Golan by the United Nations human rights mechanisms and agencies, as well as other relevant organizations. Furthermore, local non-governmental organizations and individuals operating in the occupied Syrian Golan expressed difficulties with access to information, for example obtaining official figures on water consumption, due to a lack of cooperation by Israel and settlers.

[40] CRC/C/OPAC/ISR/CO/1, para. 11 (d).

[41] Survivor Corps, "Breaking news in Israel: mine free legislation introduced", May 2010. Available from http://my.survivorcorps.org.

VII. Conclusions and recommendations

A. Conclusions

95. This report of the Special Committee was based on oral and written testimonies and evidence collected from Palestinian, Israeli and Syrian witnesses, United Nations agencies and experts, international non-governmental organizations and government officials. In addition to this valuable material, the Committee would have benefited from visiting the occupied territories to see first-hand the situation on the ground and to discuss their findings with Israeli Government officials. However, the visit request was left unanswered.

96. The information received by the Committee showed a long-standing pattern of systematic violations of international human rights and humanitarian law by Israel. The culture of impunity, by which perpetrators of violations anticipate that they will not be brought to justice for their crimes, has allowed these violations to occur each year. Efforts to redress this situation should include criminal responsibility for perpetrators and the right to an effective remedy for victims.

97. The Committee was extremely concerned about efforts by Israel to transfer the occupied population from strategic areas of the Occupied Palestinian Territory, in contravention of its obligations under international humanitarian law. Forced evictions, home demolitions, the wall and revocation of residency rights resulted in forced displacement. Moreover, new legislation in the form of Military Orders Nos. 1649 and 1650 opened the door to wide-scale forced transfer or deportation.

98. The Committee was equally concerned about policies of collective punishment of the occupied Palestinian population, whether by means of the blockade on Gaza's 1.5 million inhabitants or by the restrictions on movement, including those resulting from the wall and its gate and permit regime. This overall closure policy, coupled with policies of separation of the West Bank from the Gaza Strip, resulted in a broad range of violations, not only of the right to freedom of movement but also of others, such as the rights to health, education and an adequate standard of living. In addition, the Committee noted ongoing practices and policies that discriminate against the Palestinian and Syrian populations, in contravention of Israel's international obligations.

99. Despite a partial and temporary moratorium in the West Bank brokered by the United States of America, evidence showing Israel's determination to continue its longstanding settlement enterprise in the Occupied Palestinian Territory and in the occupied Syrian Golan, was of great concern to the Committee. Israel's actions in this regard violate international humanitarian law, United Nations resolutions and political agreements, such as the road map for peace.

B. Recommendations

100. **The Special Committee wishes to make the following recommendations, including reiterating some of the recommendations made in its previous report (A/64/339):**

(a) The General Assembly should:

(i) Consider all means at its disposal to enable the Special Committee to fulfil its responsibilities, as mandated by the General Assembly, including with regard to access to the territories occupied by Israel since 1967; and allow access to United Nations agencies to the occupied Syrian Golan;

(ii) Urge Member States to implement the recommendations of the Special Committee, and intensify diplomatic efforts, including the imposition of appropriate sanctions to enforce Israel's compliance with relevant United Nations resolutions, particularly Security Council resolutions, and with international humanitarian and human rights law;

(iii) Urge the Security Council and Member States to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the wall in the occupied territory; dismantle the segments already built; repeal all legislative and regulatory acts adopted in view of the construction of the wall; and make reparation for the damage arising from its construction;

(iv) Urge the Security Council and Member States to enforce Security Council resolution 497 (1981) and similar relevant resolutions on the status of the occupied territories, including the occupied Syrian Golan, which declared the annexation of the occupied territories illegal;

(v) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures, in respect of their obligations under article 1, to ensure respect for the Convention by Israel.

(b) The Government of Israel should:

(i) Stop its policies of confiscating land and of expanding settlements in the Occupied Palestinian Territory and the occupied Syrian Golan, which are contrary to international law; and ensure that Israeli forces protect Palestinian civilians and their property against settler violence, by carrying out prompt and thorough investigations and bringing to justice those responsible;

(ii) Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting the closure regime, and stop building roads accessible only to Israeli settlers and citizens and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;

(iii) End the closure and collective punishment of the people of Gaza, and take urgent steps to end the current man-made crisis;

(iv) Cease construction of the wall in the Occupied Palestinian Territory and comply fully with the provisions of the advisory opinion of the International Court of Justice and all provisions of General Assembly resolution ES-10/15;

(v) Guarantee to prisoners and detainees from the Occupied Palestinian Territory and the occupied Syrian Golan a fair trial and detention conditions, in accordance with international humanitarian and human rights law;

(vi) Establish an independent and transparent system of accountability that ensures prompt and impartial investigations, that perpetrators are brought to justice and that victims enjoy the right to an effective remedy;

(vii) Refrain from obstructing the work of human rights defenders and peaceful civil activists and support and protect them in the context of their work;

(viii) Stop all measures that result in the forcible displacement of Palestinians from their land, including by repealing Military Orders Nos. 1649 and 1650 or amending them to ensure their compliance with international humanitarian and human rights law;

(ix) Urgently comply with resolution 497 (1981), which annuls the Israeli decision on the annexation of the occupied Syrian Golan, and end its occupation of the West Bank, including East Jerusalem, the Gaza Strip and the Syrian Golan;

(x) Implement the concluding observations and recommendations of United Nations treaty bodies and special procedures mechanisms, and the recommendations of the High Commissioner for Human Rights to the Human Rights Council;

(xi) Facilitate visits of separated families located in the Syrian Golan and the occupied Syrian Golan, pending a resolution to the conflict;

(xii) Clear all landmines in occupied territory, notably in the occupied Syrian Golan;

(xiii) Cooperate with the Special Committee and grant it full access to the occupied territories, in order to fulfil its mandate and with a view to holding direct consultation with the Israeli authorities concerned on issues of concern.

(c) The Palestinian Authority should:

Abide by its obligations under international human rights and international humanitarian law.